

PATENT
Attorney Docket No.: 47487-0002-00-US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|---|---|----------------------------|
| In re Application of: Megumi KATO <i>et al.</i> |) | Confirmation No.: 9525 |
| |) | |
| U.S. Application No.: 10/587,522 |) | Group Art Unit: Unassigned |
| |) | |
| Filed: July 27, 2006 |) | Examiner: Unassigned |
| |) | |
| For: METHOD FOR PRODUCING MACA EXTRACT) |) | |

MAIL STOP PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS
UNDER 35 U.S.C. § 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. This replies to the Notification of Missing Requirements (Form PCT/DO/EO/905) mailed April 18, 2007.

A copy of the Notification of Missing Requirements (Form PCT/DO/EO/905) is enclosed.

2. Declaration Or Oath

- ☒ No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.
- ☐ The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.
- ☐ The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

3. English Translation of Non-English Language Papers

- ☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.
- ☐ Also enclosed is the Verification of Translation Document

4. Small Entity Statement(s)

- ☐ Applicant(s) hereby assert small entity status.

5. Fee Calculation

| | | | | |
|---|--------------|--------------|----------------|-----------------|
| Basic National Stage Fee: | | | | Previously Paid |
| \$300.00 | | | | |
| | Number Filed | Number Extra | at a Rate of | |
| Total Claims | 10 -20 = | 0 | \$50.00 each= | \$0.00 |
| Independent Claims | 1 - 3 = | 0 | \$200.00 each= | \$0.00 |
| Multiple dependent claim(s), if any | | | \$360.00 | \$0.00 |
| Missing Requirements Surcharge Fee | | | \$130.00 | \$130.00 |
| Application Size Fee \$250.00 for each additional 50 sheets that exceeds 100 | | | | \$0.00 |
| Application Search Fee | | | \$400.00 | Previously Paid |
| Examination Fee | | | \$200.00 | Previously Paid |
| SUB-TOTAL = | | | | \$130.00 |
| Fee For Application Filed With A Non-English Specification (37 C.F.R. § 1.17(k) and § 1.52(d)) | | | \$130.00 | \$0.00 |
| Fee For Processing and retention of application (37 C.F.R. § 1.21(l) and § 1.53(d)) | | | \$130.00 | \$0.00 |
| TOTAL FILING FEE = | | | | \$130.00 |

6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136(a) apply.

- ☐ Applicants petition for an extension of time, the fees for which are set out in 37 C.F.R. §§ 1.17(a)-(d), for the total number of months checked below:

| | <u>Total Months Requested</u> | <u>Extension Fee</u> | <u>Extension Fee [Small Entity]</u> |
|--------------------------|-------------------------------|----------------------|-------------------------------------|
| <input type="checkbox"/> | One month | \$120.00 | \$60.00 |
| <input type="checkbox"/> | Two months | \$450.00 | \$225.00 |
| <input type="checkbox"/> | Three months | \$1,020.00 | \$510.00 |
| <input type="checkbox"/> | Four months | \$1,590.00 | \$795.00 |
| <input type="checkbox"/> | Five months | \$2,160.00 | \$1,080.00 |

Extension of time fee due with this request: \$0.00

If an additional extension of time is required, please consider this a Petition therefor.

- ☒ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

7. Fee Payment

The total fee due is: Completion Fees \$130.00
06/18/2007 GFREY1 00000042 10587522 Assignment Fees \$ 40.00
01 FC:1617 130.00 0P Total Fee Due \$170.00

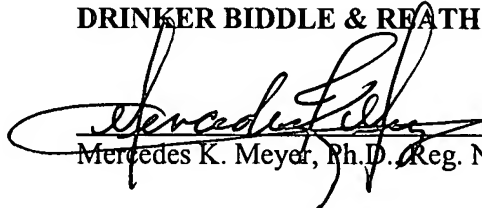
- ☒ A check in the amount of \$170.00 to cover the above fees is enclosed.
- ☐ The Commissioner is hereby authorized to charge the total fee due to Deposit Account 50-0573.
- ☒ **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0573.

8. Additional papers enclosed.

- ☐ PCT/IB/338 English translation of the International Preliminary Examination Report
- ☐ PCT/IB/373
- ☒ Application Data Sheet
- ☒ PCT/ISA/210 (International Search Report dated March 8, 2005)
- ☒ Information Disclosure Statement
- ☒ Form PTO-1449, 6 non-US references
- ☒ Assignment Recordation Cover Sheet (PTO Form-1595)
- ☒ Assignment of the invention to SUNTORY LIMITED

Respectfully submitted,

DRINKER BIDDLE & REATH LLP


Mercedes K. Meyer, Ph.D. Reg. No. 44,939

Date: June 14, 2007
Customer No. 055694
DRINKER BIDDLE & REATH LLP
1500 K. Street, N.W., Suite 1100
Washington, DC 20005-1209
Tel: (202) 842-8800
Fax: (202) 204-0289



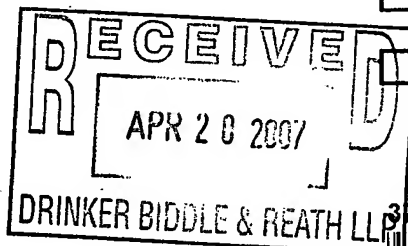
UNITED STATES PATENT AND TRADEMARK OFFICE

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Jo Ann 228890

| | | |
|-----------------------------|-----------------------|------------------|
| U.S. APPLICATION NUMBER NO. | FIRST NAMED APPLICANT | ATTY. DOCKET NO. |
| 10/587,522 | Megumi Kato | 47487-0002-00-US |

55694
DRINKER BIDDLE & REATH (DC)
1500 K STREET, N.W.
SUITE 1100
WASHINGTON, DC 20005-1209



| | |
|-------------------------------|---------------|
| INTERNATIONAL APPLICATION NO. | |
| PCT/JP05/01201 | |
| I.A. FILING DATE | PRIORITY DATE |
| 01/28/2005 | 01/28/2004 |

CONFIRMATION NO. 9525

371 FORMALITIES LETTER



OC000000023424934

Date Mailed: 04/18/2007

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 07/27/2006
- English Translation of the IA filed on 07/27/2006
- Copy of the International Search Report filed on 07/27/2006
- Preliminary Amendments filed on 07/27/2006
- Request for Immediate Examination filed on 07/27/2006
- U.S. Basic National Fees filed on 07/27/2006
- Priority Documents filed on 07/27/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a

- \$130 Surcharge.

Docketed 4/20/07 Attorney RLG/MKM
Case Entity: 47487-0002-00
Due Date 6/18/07
Action MISS. Requirements
By KJ Chk _____

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.
<https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

If you are not using EFS-Web to submit your reply, you must include a copy of this notice.

LAMONT M HUNTER

Telephone: (703) 308-9140 EXT 201

PART 1 - ATTORNEY/APPLICANT COPY

| U.S. APPLICATION NUMBER NO. | INTERNATIONAL APPLICATION NO. | ATTY. DOCKET NO. |
|-----------------------------|-------------------------------|------------------|
| 10/587,522 | PCT/JP05/01201 | 47487-0002-00-US |